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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,269	10/12/2001	Oscar Salomaho	59643.00071	2266
32294 7590 06/06/2008 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212				
EXAMINER MEHRPOUR, NAGHMEH				
ART UNIT 2617		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/977,269

**Applicant(s)**

SALONAH O ET AL.

**Examiner**

MELODY MEHRPOUR

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/10/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 6, 7, 9-14, 17-19, 38, 40 and 47-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6-7, 9-14, 17-19, 38, 40, 47-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-543)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1, 6-7, 9-13, 17-19, 38, 40, 47-64**, are rejected under 35 U.S.C. 102(e) as being anticipated by Lundby et al. (Patent Number 6,975,880).

Regarding claims 1, 53, Lundby teaches a method/mobile of controlling the power with which a mobile station transmits to a base station, comprising the step of:

transmitting from the base station to the mobile station a power control command having a given value (col 9 lines 32-60);

receiving said power control command at said mobile station (col 2 lines 23-55);

and a given values for wherein the given values for the power control

command transmitted to the first station to be transmitted to the first

station (col 9 lines 32-67, col 10 lines 1-35);

determining from said received power control command a parameter representative of the quality with which the power control command is received at the mobile station (col 9 lines 32-67, col 10 lines 1-35), and

combining the received values of said received power control commands (col 9 lines 65-67, col 10 lines 1-35); and

comparing the combined value and the selected value and on the basis of the comparison selecting one of said combined value and the selected value

and controlling the power which the mobile station transmits in accordance therewith (col 9 lines 61-67, col 10 lines 1-35); and

controlling the power at which the first station transmits signals based on the combined value from combining determined received values and the selected determined given from comparing the determined received value (col 9 lines 61-67, col 10 lines 1-35).

62).

Regarding claim 6, Lundby teaches a method wherein the transmitted each power control command comprises one of a mobile value indicating that the power should be increased and a base value indicating the power should be decreased (col 10 lines 36-66).

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Regarding claim 7, Lundby teaches a method wherein the predetermined criteria is to select value if at least one of the determined transmitted values is the base value, and to select the first value if all of the determined given values are the first value (col 10 lines 35-66).

Regarding claim 9, Lundby teaches a method wherein the first threshold value is between the first and second values (col 11 lines 1-65).

Regarding claim 10, Lundby teaches a method wherein the threshold value is such that one of the first and second value than to the other (col 11 lines 1-65).

Regarding claims 11, 59, Lundby teaches a method wherein the first threshold value is closer to the second value than to the first value (col 11 lines 1-65).

Regarding claims 12, 60, Lundby inherently teaches a method wherein the mobile value is +1 and the base value is -1 (col 11 lines 1-65).

Regarding claim 13, 61, Lundby inherently teaches a method wherein the threshold value is in the range -.6 to 0 (col 11 lines 45-65).

Regarding claims 17, 63, Lundby teaches a method as claimed in claim 16 when appended to claim 6, wherein the one of the combined value and the selected value which is closer to representing a predetermined one of said mobile and base transmitted values is selected (col 11 lines 45-65).

Regarding claims 18, 64, Lundby teaches a method as claimed in claim 17, wherein said predetermined one of said values is the base value (col 11 lines 45-65).

Regarding claim 19, Lundbyteaches a method as claimed in any one of the preceding claims when appended to claim 1, comprising the steps of:

Summing a selected one of the determined received values of the power control commands currently received from the second stations and a selected one of the determined received values of the power control commands from the second stations (col 11 lines 65-67, col 12 lines 1-58);

comparing the summed value with a third threshold value (col 11 lines 65-67, col 12 lines 1-58); and

outputting a default value if the summed value exceeds the third threshold value, and otherwise outputting the selected one of the determined received

values of the power control commands current received from the second stations (col 11 lines 65-67, col 12 lines 1-58).

Regarding claims 38, 40, Lundby teaches a mobile station which in use transmits signals to a plurality of base stations, said mobile station comprising:

determining means for receiving power control commands transmitted from said base stations to said mobile station, said power control commands being transmitted with a given values wherein the given value for the power control commands are determined from the strength of signals received command transmitted to the first station to be transmitted to the first station (col 11 lines 65-67, col 12 lines 1-58);

combining means for determining the received values of said received power control commands (col 11 lines 65-67, col 12 lines 1-58);

means for combining the received values of said received power control commands (col 11 lines 65-67, col 12 lines 1-58);

means for controlling the power with which mobile station transmits to the base station based on said combined value (col 11 lines 65-67, col 12 lines 1-58).

Regarding claims 47-48, 56, Lundby teaches an apparatus/method wherein the given value of each power control command determining either a first value indicating that the power should be increased or a second value indicating that the power should be decreased, and Wherein if the selected determined given value is the second value (col 12 lines 58-67, col 13 lines 1-40); and

means for combining the determined received values of the received power control command from each of the second stations to generate a combined value (col 12 lines 58-67, col 13 lines 1-40); and

controlling means decreases the power with the first station transmits regardless of the combined value (col 12 lines 58-67, col 13 lines 1-40); and

If the selected determined given value is the first value and the combined value exceeds a second threshold value, the controlling means increase the power with which the first station transmits (col 12 lines 58-67, col 13 lines 1-40); and

If the selected determined given value of the first value and the combined value is below the second threshold value, the controlling means decrease the power with which the first station transmits (col 12 lines 58-67, col 13 lines 1-40).

Regarding claims 49, 52, 55, Lundby teaches a method wherein the second stations are base stations (col 13 lines 41-67).



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Regarding claims 50-51, 54, Lundby teaches a method wherein the first station is a mobile (col 13 lines 41-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 14, 62**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundby et al. (Patent Number 6,975,880).

Regarding claims 14, 62, Lundby fails to teach a method as claimed in claim 13, wherein the threshold value is in the range -0.025 and -0.30. However, Examiner takes official notice that a method of claim 13 wherein the threshold value is in the range -0.025 and -0.30 is a design choice. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Endo, in order to enable to control the performance of the system more precisely.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-6-7, 9-14, 17-19, 39, 40, 47-64 have been considered but are moot in view of the new ground(s) of rejection.

The references made herein are done so for the convenience of the applicant. They are in no way meant to limit the reference. The reference **MUST** be considered in its entirety.

**Conclusion**

4. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELODY MEHRPOUR whose telephone number is 5(571)272-791313. The examiner can normally be reached on 8:00 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost be reached (571) 272-7023.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Naghmeh Mehrpour/

Primary Examiner, Art Unit 2617

June 04, 2008